



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/691,885

10/23/2003

Timothy P. McKee

MFCP.109834

8986

45809

7590

12/23/2009

SHOOK, HARDY & BACON L.L.P.  
(MICROSOFT CORPORATION)  
INTELLECTUAL PROPERTY DEPARTMENT  
2555 GRAND BOULEVARD  
KANSAS CITY, MO 64108-2613

EXAMINER

PESIN, BORIS M

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

12/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/691,885 | <b>Applicant(s)</b><br>MCKEE ET AL. |  |
|                              | <b>Examiner</b><br>BORIS PESIN       | <b>Art Unit</b><br>2174             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-8,11-17,20-23,25-27 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,6-8,11-17,20-23 and 25-27 is/are allowed.
- 6) ☒ Claim(s) 34-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed 09/03/2009.

Claims 1-4, 6-8, 11-17, 20-23, 25-27, and 34-38 are pending in this application.

Claims 1, 11, 20, 21, 29, and 34 are independent claims. In the amendment filed 09/03/2009, Claims 1, 11, 20-21 and 34 were amended and claims 40-44 have been canceled. This action is made **Non-Final**.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/03/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al. (US 5751287) in view of Straub et al. (US 5905492) further in view of Gautestad (US 7039860)

In regards to claim 34, Hahn teaches a computerized method for establishing an explorer for presenting to a user items in a data store, the method comprising:

selecting a desired field entry corresponding to a field entry associated with at least one item in the data store, wherein at least a portion of the items in the data store include one or more field entries (Figure 10, Element 1110); and defining an explorer display schema (Figure 10, *the tab layout*).

Hahn does not specifically teach defining an explorer display schema that includes one or more visual elements selected for display with items having said desired field entry;

selecting a query for identifying items in the data store having said desired field entry, wherein said query is a database query indicating desired field entry;

storing an explorer as a single item in a data store, wherein said explorer houses a set of data defining said query and said explorer display schema;

receiving a user input indicating a user desire to view said explorer;

in response to said user input, executing a set of instructions that reads said set of data and that presents one or more items to the user with said explorer attributes defined by said set of data, wherein said executing includes identifying said one or more items having said desired field entry by searching said data store with said query.

Straub teaches defining an explorer display schema that includes one or more visual elements selected for display with items having said desired field entry (See Column 13 Line 58 – Column 14, Line 61, “template can be associated with each of the folders or folder types”);

storing an explorer as a single item in a data store, wherein said explorer houses a set of data defining said query and said explorer display schema (See Column 13 Line 58 – Column 14, Line 61, “template can be associated with each of the folders or folder types”);

receiving a user input indicating a user desire to view said explorer (See Column 13 Line 58 – Column 14, Line 61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hahn with the teachings of Straub and include a method of changing a layout for a specific folder with the motivation to provide the user with a more appropriate view for each specific folder, instead of one view for all folders.

Gaustestad teaches selecting a query for identifying items in the data store having said desired field entry, wherein said query is a database query indicating desired filed entry (See Figures 5 A and 5B and column 10, lines 18-44); and

in response to said user input, executing a set of instructions that reads said set of data and that presents one or more items to the user with said explorer attributes defined by said set of data, wherein said executing includes identifying said one or more items having said desired field entry by searching said data store with said query. (See Figures 5 A and 5B and column 10, lines 18-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hahn-Straub with the teachings of Gaustestad to include the ability to query certain types of files with the motivation to provide the users with more relevant search results and make it easier for users to find desired files.

In regards to claim 35, Hahn teaches method of claim 34, wherein said desired field entry is associated with an item property desired for each item displayed in said explorer (Figure 10).

In regards to claim 36, Hahn teaches a method of claim 34, wherein said explorer attributes include decorative elements, one or more verbs associated with said presented items, and/or one or more data queries associated with said presented items (Figure 20B).

In regards to claim 37, Hahn teaches a method of claim 34, wherein said explorer attributes include one or more shell view schemas, wherein one of said shell view schemas is utilized to display a subset of said presented items (Figure 10, Element 1080).

In regards to claim 38, Hahn teaches a method of claim 34, wherein said display schema includes one or more shell display schemas associated with a shell browser to display one or more presented items (Figure 10).

### ***Allowable Subject Matter***

Claims 1-4, 6-8, 11-17, 20-23, 25-27 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to independent claims 1, 11, 20, 21 and 29, the prior art does not specifically teach the added limitation, "wherein the shell browser is further configured to identify, for at least a portion of the one or more item-types represented by the selected items, one or more of said default item decorations that do not conflict with said explorer decorations and to present the non-conflicting default item decorations along with the display of the selected items;" in combination with all of the other claim limitations.

### ***Response to Arguments***

Applicant's arguments filed 09/03/2009 have been fully considered but they are not persuasive.

With respect to claim 34, the Applicant argues that "the cited references fail to teach or suggest a data store item defining both the query and the claimed explorer display theme." The Examiner respectfully disagrees. As explained above, the modified invention of Hahn-Straub-Gautestad does in fact teach the recited limitation. Just because the Examiner relied on several references to reject the claim does not

Art Unit: 2174

necessarily mean that the combination of the references does not teach "a single data store item defining both the query and the claimed explorer display theme."

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571)272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Application/Control Number: 10/691,885  
Art Unit: 2174

Page 8

/Boris Pesin/  
Primary Examiner, Art Unit 2174